

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:16-cv-513-FDW-DCK

BALLANTYNE BRANDS, LLC,)	
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
CIRCLE K STORES, INC.,)	
)	
Defendant.)	
)	

THIS MATTER is before the Court on Defendant's Motion for Summary Judgment (Doc. No. 43). For the reasons stated in open court following a hearing on August 23, 2017, the motion is DENIED as to Plaintiff's breach of contract claim and GRANTED as to Plaintiff's claims for misrepresentation, constructive fraud, fraud, unfair and deceptive trade practices, and punitive damages. In addition, the Court GRANTS the portion of Defendant's motion for summary judgment as to liability only for its breach of contract counterclaim, and the issue of damages on this counterclaim will be resolved by the jury.

TAKE NOTICE that a pretrial conference in this matter shall take place following docket call on Tuesday, September 5, 2017, with jury selection to take place on Wednesday, September 6, 2017, and trial to begin sometime thereafter. The parties' joint pretrial submission shall be due by 5:00 p.m. on Friday, September 1, 2017.

IT IS SO ORDERED.

Signed: August 23, 2017



Frank D. Whitney
Chief United States District Judge

